

23. (Amended) The device of claim 22, wherein the instructions for use indicate that the identification of an *Ehrlichia* infection is done using a method of detecting presence of antibodies to *Ehrlichia* comprising:

B²
Sub C⁴
(a) contacting one or more polypeptides selected from the group consisting of the polypeptides shown in SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7, and phenotypically silent amino acid substitution variants thereof, with a test sample suspected of comprising antibodies to *Ehrlichia*, under conditions that allow polypeptide/antibody complexes to form;

(b) detecting polypeptide/antibody complexes;
wherein the detection of polypeptide/antibody complexes is an indication that an *Ehrlichia* infection is present.

Please add the following new claims:

Sub C⁴
B³
35. (New) A device containing one or more polypeptides selected from the group consisting of the polypeptides shown in SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7, and conservative amino acid substitution variants thereof.

36. (New) The device of claim 35, further comprising instructions for use of the one or more polypeptides for the identification of an *Ehrlichia* infection in a mammal.

37. (New) The device of claim 36, wherein the instructions for use indicate that identification of an *Ehrlichia* infection is done using a method of detecting presence of antibodies to *Ehrlichia* comprising:

(a) contacting one or more polypeptides selected from the group consisting of the polypeptides shown in SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7 and conservative amino acid substitution variants thereof, with a test sample suspected of comprising antibodies to *Ehrlichia*, under conditions that allow polypeptide/antibody complexes to form;

(b) detecting polypeptide/antibody complexes;

wherein the detection of polypeptide/antibody complexes is an indication that an *Ehrlichia* infection is present.

38. (New) The device of claim 35, wherein the *Ehrlichia* infection is caused by *Ehrlichia canis* or *Ehrlichia chaffeensis*.

Remarks

The Amendments

Claims 21 and 23 have been amended to recite that the claimed variants are phenotypically silent amino acid substitution variants. Support for these amendments can be found in the specification at, *inter alia*, page 7, line 10 through page 8, line 20. New claims 35-38 have been added. The new claims recite that variants are conservative amino acid substitution variants. Support for the amendments can be found at page 7, line 10 through page 8, line 20.